

IV. REMARKS

By this amendment, claims 1, 8, 27 and 32 have been amended. As a result, claims 1, 2, 6-12 and 27-36 remain pending in this application. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the title is objected to. Applicant has changed the title in an attempt to make it more descriptive. Claims 27-36 are rejected under 35 U.S.C. §101 as allegedly not being directed to statutory subject matter. Claims 1-2 and 8-10, 27-29 and 32-34 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Burger *et al.* (U.S. Patent Pub. No. 2003/0220876), hereafter “Burger,” in view of Deng (U.S. Patent Pub. 2006/0168395), hereafter “Deng,” and further in view of Clark *et al.* (U.S. Patent No. 6,317,797), hereafter “Clark.” Claims 6-7, 11-12, 30-31 and 35-36 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Burger in view of Deng and Clark and further in view of McGuffin (U.S. Patent No. 7,010,671 B2), hereafter “McGuffin.”

A. REJECTION OF CLAIMS 27-36 UNDER 35 U.S.C. §101

The Office has rejected claims 27-36 for allegedly being directed to non-statutory subject matter. Specifically, the Office asserts that aspects of the claimed invention could be interpreted as software per-se. Applicant has amended claim 27 to include “at least one computer device,” and has amended claim 32 to include a “computer readable storage medium.” To this extent, Applicant respectfully submits that the claimed invention satisfies the Office’s interpretation of statutory subject matter. Accordingly, Applicant requests that the rejection be withdrawn.

B. REJECTION OF CLAIMS 1, 2, 6-12 and 27-36 UNDER 35 U.S.C. §103(a)

Applicant asserts that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to independent claim 1, Applicant submits that the cited references fail to teach or suggest storing one version of a user application tailored for particular device, a second version of the same user application tailored for a different device, and a common datastore on the same removable storage device and executing the version of the application to which the removable storage device is coupled from the removable storage device to perform operations on the datastore. In contrast, the read-write memory of Burger is imbedded in its “Pocket Vault” and, as such, cannot be characterized as removable. Further, Burger fails to teach that its read-write memory contains two versions of the same user application, each of which is executable on a different operating system and executed by the appropriate operating system. Rather, any software stored in the read-write memory of Burger is system software and cannot be construed as a user application. Further, to the extent

that such software exists, it is singular and applicable to the “Pocket Vault” itself. Burger does not teach multiple versions, one of which is executable on another device, such as the server.

With respect to Clark, the flash ROM in the passage of Clark cited by the Office is imbedded in the handheld computer (see e.g., col. 6, lines 30-34) and, as such, cannot be characterized as removable. Further, the passage of Clark cited by the Office states that it contains “...certain reduced or simplified, less functional versions of the full desktop or network version for reduced storage requirements.” Col. 11, lines 3-7. To this extent, any applications stored in the flash ROM of Clark are applicable only to the handheld computer itself. Thus, Clark fails to teach multiple versions, one of which is executable on another device, such as the server. As such, Clark, like Burger, fails to teach that its flash ROM contains two versions of the same user application on the same removable storage device, each of which is executable on a different operating system and executed by the appropriate operating system from the removable storage device.

With respect to Deng the passages thereof cited by the Office disclose only a plug-and-play device for data storage. Deng, however, fails to teach that it contains user applications that are executed from the plug and play device. Rather, any software that may be stored on the plug-and-play device of Deng is system control software and cannot be construed as an application. However, in order to further prosecution, Applicants have amended the claims to clarify the applications of the claimed amendment as user applications. Thus, no combination of the references cited by the Office teaches or suggests the storing on and execution from a removable storage device a user application as in the claimed invention.

With respect to independent claim 8, Applicant submits that the cited references fail to teach or suggest storing one version of a user application tailored for particular device, a second version of the same user application tailored for a different device, and a common datastore on the same removable storage device and executing the version of the application to which the removable storage device is coupled from the removable storage device to perform operations on the datastore, for reasons that should be clear from the above arguments. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to independent claim 27, Applicant submits that the cited references fail to teach or suggest storing one version of a user application tailored for particular device, a second version of the same user application tailored for a different device, and a common datastore on the same removable storage device and executing the version of the application to which the removable storage device is coupled from the removable storage device to perform operations on the datastore, for reasons that should be clear from the above arguments. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to independent claim 32 Applicant submits that the cited references fail to teach or suggest storing one version of a user application tailored for particular device, a second version of the same user application tailored for a different device, and a common datastore on the same removable storage device and executing the version of the application to which the removable storage device is coupled from the removable storage device to perform operations on the datastore, for reasons that should be clear from the above arguments. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

V. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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